

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNIE DOE)	CIV No. 20-civ-7316
PLAINTIFF)	
)	
V.)	
)	
COLLEGE OF MOUNT SAINT VINCENT)	
DEFENDANT)	

**MOTION FOR TEMPORARY RESTRAINING ORDER,
ORDER TO SHOW CAUSE, AND OTHER ANCILLARY RELIEF**

Plaintiff, respectfully moves ex parte, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, for a Temporary Restraining Order and Order to Show Cause why a Preliminary Injunction Should Not Be Granted, and other Ancillary Relief.

As more fully detailed in the attached Memorandum of Law, Verified Complaint, the Declaration of Plaintiff, Declaration of Attorney Harold R. Burke and the exhibits thereto, Plaintiff, a student at Defendant College of Mount Saint Vincent and the recipient of a full academic scholarship, was suspended on July 31, 2020 for a period of two years, allegedly for violating the Code of Student Conduct.

This suspension ostensibly stemmed from an incident occurring on June 3, 2020 in which an Instagram message transmitted by Plaintiff to another student was then in turn re-transmitted to a much wider audience of Instagram users. These users, offended by Plaintiff's statement, then demanded that CMSV expel Plaintiff given her allegedly racist viewpoint.

In response to a barrage of threats and criticism leveled against the CMSV, the college then commenced disciplinary action against Plaintiff. These actions evidenced a complete and

total disregard for published disciplinary protocols and procedures. Moreover, complaints filed by Plaintiff before disciplinary proceedings commenced, which included a forcible sexual assault committed on-campus by a fellow student and her receipt of electronic messages threatening her with physical and sexual assault if she remained on campus, were totally ignored by CMSV administrators.

Plaintiff contends that the disciplinary proceedings, and ensuing two-year suspension, constituted retaliatory discrimination on the basis of race that was intended in whole or in part to cover up CMSV's violation of Plaintiff's rights under Title IX as a victim of on-campus sexual assault.

CMSV's determination that Plaintiff receive a two-year suspension effective July 31, 2020 also directed her to vacate her on campus housing effective August 15, 2020. Plaintiff has remained on the premises as she does not have relatives or friends with whom she can live. After being informed of this situation CMSV provided Plaintiff with a list of local homeless shelters that might be able to accommodate her.

In order to protect her rights and her safety, Plaintiff requests that this Court enter the proposed Temporary Restraining Order which commands CMSV to cease any interference with Plaintiff's education and residence at CMSV, and order CMSV to appear before this Court and show cause, if any, why a preliminary injunction should not be issued. Specifically, Plaintiff requests the following relief:

1. Defendant College of Mount Saint Vincent be immediately enjoined from enforcing its July 31, 2020 suspension of Plaintiff from the College of Mount Saint Vincent;

2. Defendant College of Mount Saint Vincent be immediately enjoined from interfering with Plaintiff's registration and attendance during the fall semester which begins on September 8, 2020 and permit Plaintiff to participate fully in all College activities;

3. Defendant College of Mount Saint Vincent be immediately enjoined from taking any action to interfere with Plaintiff's residence on-campus, and that she not be molested or interfered with in any manner;

4. Pending a final determination on Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, Plaintiff is to be given access to register for all classes for the 2020/2021 academic year; and,

5. Pending a final determination on Plaintiff's Motion for a Temporary Restraining Order and a Preliminary Injunction, Plaintiff is to continue receiving all educational benefits, i.e. the Mott Street Scholarship, that she has been receiving prior to the effective date of her suspension, i.e. July 31, 2020.

Dated September 7, 2020

Respectfully submitted,

ANNIE DOE

By 

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